

## NATURAL RESOURCE COMMISSION[571]

## Adopted and Filed

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby amends Chapter 99, “Wild Turkey Fall Hunting by Residents,” Iowa Administrative Code.

The amendments allow Chapter 99 to conform with Iowa Code section 483A.24(10), which specifies that nonresidents 21 years of age or younger who have a severe physical disability or who have been diagnosed with a terminal illness may obtain a special license to hunt turkey during any season in any zone. Iowa Code section 483A.24(10)“e” requires the Commission to adopt rules to implement the license provisions.

A nonresident who receives a special license pursuant to this section must purchase a hunting license and the nonresident turkey hunting license and pay the wildlife habitat fee but is not required to complete the hunter safety and ethics education course if the nonresident licensee is accompanied and aided by a person who is at least 18 years of age. The accompanying adult must be qualified to hunt and have a hunting license. During the hunt, the accompanying adult must be within arm’s reach of the nonresident licensee. The applicant requesting the special license must apply on a form which requires that the applicant’s attending physician sign the form declaring that the applicant has a severe physical disability or has been diagnosed with a terminal illness and is eligible for the special license.

Notice of Intended Action was published in the Iowa Administrative Bulletin on July 29, 2009, as **ARC 8018B**. A public hearing was held on August 18, 2009. There were no comments received at the hearing or in writing. There have been no changes made to the Notice.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1, 483A.7 and 483A.24.

These amendments shall become effective December 9, 2009.

The following amendments are adopted.

ITEM 1. Amend **571—Chapter 99**, title, as follows:

**WILD TURKEY FALL HUNTING BY RESIDENTS**

ITEM 2. Amend rule 571—99.1(481A) as follows:

**571—99.1(481A) General.** When hunting wild turkey, all hunters must have in possession a fall wild turkey hunting license valid for the current year, the unused transportation tag issued with that license, a hunting license, and evidence of having paid the habitat fee (if normally required to have a hunting license and to pay the habitat fee to hunt). No person shall carry or have in possession a fall wild turkey hunting license or transportation tag issued to another person while hunting wild turkey. No one who is issued a wild turkey hunting license and transportation tag shall allow another person to use or possess that license or transportation tag while turkey hunting or tagging a turkey. Licenses for the fall turkey season will only be issued to Iowa residents except as specified in subrule 99.2(4).

ITEM 3. Adopt the following **new** subrule 99.2(4):

**99.2(4) Special licenses.** The commission shall issue licenses in conformance with Iowa Code section 483A.24(10) to nonresidents 21 years of age or younger who have a severe physical disability or who have been diagnosed with a terminal illness. A person applying for this license must provide a completed form obtained from the department of natural resources. The application shall be certified by the applicant’s attending physician with an original signature and declare that the applicant has a severe physical disability or a terminal illness using the criteria listed in 571—Chapter 15. A medical statement from the applicant’s attending physician that specifies criteria met shall be on 8½” × 11” letterhead stationery. The attending physician shall be a currently practicing doctor of medicine, doctor of osteopathy, physician assistant or nurse practitioner.

ITEM 4. Amend **571—Chapter 99**, implementation sentence, as follows:  
These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, ~~and~~ 483A.7  
and 483A.24.

[Filed 10/14/09, effective 12/9/09]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/4/09.